

Appl. No. 09/833,944

Amdt. Dated October 5, 2005

Reply to Office Action of September 8, 2005

REMARKS

This is a full and timely response to the Office action mailed September 8, 2005. Reexamination and reconsideration in view of the following remarks is respectfully solicited.

Claims 10-27 remain pending in this application, with Claims 10 and 18 being the independent claims. No claims are amended herein, and no new matter is believed to have been added.

Rejections Under 35 U.S.C. § 103

Claims 10-27 were rejected under 35 U.S.C. § 103 as allegedly being anticipated by U.S. Patent No. 6,614,419 (May) and a publication entitled, "Using the Multi-Layer Model for Building Interactive Graphical Applications" (Fekete et al.). This rejection is respectfully traversed.

May issued as U.S. Patent No. 6,614,419 on September 2, 2003, and is based on Application Serial No. 09/566,688, which was filed on May 8, 2000, and which claims priority to Provisional Application Serial No. 60/152,899, filed on September 8, 1999. The instant application was filed on April 12, 2001. Thus, May qualifies as prior art only under 35 U.S.C. § 102(e).

Section 4807 of the American Inventor Protection Act (AIPA) amended 35 U.S.C. 103(c) to read as follows:

"(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Moreover, guidelines promulgated to implement 35 U.S.C. § 103(c) now state that "[a]pplications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or

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subject to an obligation of assignment to, the same person." See "Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required by 35 U.S.C. 103(c)," 1241 OG 96 (Dec. 26, 2000).

Based on the above, Applicant's representative provides herein the following statement: the instant application (Application Serial No. 09/833,944) and U.S. Patent No. 6,614,419 were, at the time the invention of Application Serial No. 09/833,944 was made, owned by Honeywell International, Inc.

In view of the foregoing, and without conceding to any of the alleged characterizations thereof that were proffered in the Office action, May cannot be used to preclude patentability of Claims 10-27 under 35 U.S.C. § 103. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 10-27.

Conclusion

Based on the above, Claims 10-27 are patentable over the art applied in the Office action. The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

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If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 10/05/05

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